

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2-23-cv-07970-RGK-MAR

Date January 23, 2024

Title *Donald Mellein v. United States of America et al.*

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

Joseph Remigio

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order Re: Plaintiff's Motion for Extension of Time for Service [DE 50]

On September 22, 2023, Donald Mellein ("Plaintiff") filed a Complaint against the United States, Lynne Zellhart, and five Doe Defendants (collectively, "Defendants") alleging violations of the Federal Tort Claims Act, the Fourth Amendment, the Fifth Amendment, and other related claims. (ECF No. 1.) On December 19, 2023, Plaintiff filed the operative First Amended Complaint ("FAC") naming the five Doe Defendants. (ECF No. 45.) Presently before the Court is Plaintiff's Motion for Extension of Time for Service. (ECF No. 50.) It seems Plaintiff believes he had to serve the newly named Defendants within 90 days of filing the initial Complaint. But when, as here, a doe defendant is identified in an amended complaint, a plaintiff may serve that defendant within 90 days of filing the amended complaint. *See Jackson v. McMahon*, 2021 U.S. Dist. LEXIS 142233, at *1, *5 (C.D. Cal. July 29, 2021); *see also Bolden v. City of Topeka*, 441 F.3d 1129, 1149 (10th Cir. 2006) (holding that the service deadline under Federal Rule of Procedure 4(m) refers to the "filing of the first version of the complaint naming the particular defendant to be served"). Since filing the Motion, Plaintiffs have timely served each newly named Defendant. (ECF. Nos. 51–60.) Accordingly, the Court **DENIES** Plaintiff's Motion **as moot**.

IT IS SO ORDERED.

Initials of Preparer

JRE/dc